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Maulavi Chiragh Ali on Islamic Law (*Sharī'ah*) and War (*Jihād*): A Defensive Modernist Reformist Project

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Abstract

Maulavi Chiragh Ali was a leading sub-continent modernist reformist thinker of late 19th century. He was a contemporary of Sir Sayed Ahmad Khan and was associated with the Aligarh Movement in colonial India. His literary projects revolve around reinterpreting Islam in the light of rationality and modernity_ a much-needed endeavor at his time. This descriptive paper will shed light on two of his important discourses, i.e., on Islamic Law (*Sharī'ah*) and Concept of war (*Jihād*). The paper applies a discourse analysis to examine the dynamics of Chiragh Ali major themes and arguments developed in accordance with the social, cultural, political, historical and intellectual contexts of the colonial rule eminent in South Asia. The methodology of this paper employs qualitative historical analysis, so the first section is prelude to the historical and political setting in which Chiragh Ali developed his thought. The next two sections are reserved for thorough discussion of his discourses on Islamic law and the concept of war. The fourth section of this paper will analyze the strength and weaknesses of his thought. The last section has been focused on modern-day relevance of Maulavi Chiragh Ali in 21st century for Muslims to combat Islamophobia and virtuous war against Islam on a global level.

Keywords: Holy war (*Jihād*), Islamic Law (*Sharī'ah*), Reforms, colonial rule, Islamic modernity, Islamophobia

The Historical and Political Context: A Prelude

Maulavi Chiragh Ali[1] (1844-1895) was a modern reformist thinker of late nineteenth century. He was a writer and polemicist who defended Islam from the Christian wings under the British rule. He addressed important issues like Islamic law (*Sharī'ah*), social reforms and the concept of war (*jihād)*. Our paper will primarily focus on two themes in his works: 1) Islamic law; and 2) the

[1]Maulavi Cheragh Ali was an Indian Muslim scholar who emerged as a contemporary colleague of Sir Syed Ahmed Khan in the second half of 19th century. He was home-schooled due to family responsibilities as head of the family at the young age of 12. He was multilingual (Urdu, English, Persian, Arabic, Latin, Greek, French, Aramaic and Hebrew). See [Omar Khalidi, "Muslims Debates on Jihad in British India: The writings of Chiragh Ali and Abu al-A'la Mawdudi," In *Just Wars, Holy Wars, and Jihads: Christian, Jewish, and Muslim Encounters and Exchanges*, Sohail H. Hashmi, (ed.)., (New York: Oxford University Press, 2012), 305-321]. He was stationed as clerk and became a collector in the office Settlement from where he was given a position in the government. He also worked as a translator for *Scientific Society* with Sir Syed that enables them to forge a bond having common religious ideologies and political beliefs. See (Peter Hardy, *The Muslims of British India* (Cambridge: Cambridge University Press, 2007), 112].

concept of war. Before proceeding to analyze his thought it is imperative to comprehend the historical and political scenario in which he developed his thinking.

1.1. Power Siege and Transfer

The sub-continent was ruled by Muslims for nearly 200 years. East India Company arrived for the purpose of trade and gradually de-established the Mughal rule.[2] After Aurangzeb, the dynasty of Mughals crumbled due to incompetence, power-struggle and internal conflicts. By 1850's, British officially overthrow the Mughal Empire and established British government.[3] British applied multiple strategies that contribute to the fall of Mughal Empire; but one of the strategies was divide and rule. Hence, they successfully created a rift between Hindu and Muslims.[4] However, due to drastic cultural and racial barriers along with the loaded policies imposed by the British led people of the sub-continent (both Hindus and Muslims) to revolt against them. This attempt at independence was crushed easily in 1857.

1.2. Aftermath of 1857 Revolt

Although, both Hindus and Muslims attempted the revolt against British, but British became specifically weary of Muslims since they thought it was Muslim rule that they have overthrown. Moreover, due to Hindu hatred against Muslims, they also convinced British that only Hindus are their loyal subjects.[5] The Muslims of the sub-continent were downgraded with suspicion and mistrust after the revolt of 1857.[6] Several colonial historians, authors, diplomats and politicians like Sir William Muir (1819-1905), David Urquhart (1805-1877), William R. Wood Stephens (1839-1902), Edward Sell (1839-1932), Malcolm Maccoll (1831-1907) and Edward William Lane (1801-1876) endorsed that in order to maintain the supremacy of Islam; Muslims are compelled by their Islamic law to wage war of aggression.[7] So as propagators of war (*jihād*), they would be a continuous threat to British government and must never be trusted.[8] As Bosworth Smith erroneously claimed that "Persecuted no longer, Mohammed becomes a persecutor himself; with the Qur'ān in one hand, the scimitar in the other, he goes forth to offer to the nations the threefold alternative of conversion, tribute, death."[9]

The following table have collaborated similar absurd and rather blasphemous allegations against Islam that were prevalent in Europe during that era.

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[2]See Tania Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," Japan: Association for Transcultural Studies Waseda University, 2020), 1-15, Accessed August 7, 2024. https://core.ac.uk/download/pdf/333607952.pdf

[3]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 1-15.

[4]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 3.

[5]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 5; Cynthia Talbot, "Inscribing the Other, Inscribing the Self: Hindu-Muslim Identities in Pre-Colonial India," *Comparative Studies in Society and History* 37 (04), (1995): 692-722. https://doi.org/10.1017/s0010417500019927

[6]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 2.

[7]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," in *Contemporary Debates in Islam: Modernist verses Fundamentalism- An Anthology of Islamic Thought,* ed., Mansoor Moaddal and Kamran Talattof (New York: Palgrave Macmillan, 2000), 82.

[8]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 84; and See Maulavi Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire and the Other Muhammadan States* (Bombay: Education Society Press.1883), 18.

[9]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 84.

Table 1. European Allegations against Islam[10]

European Allegations against Islam	**Perpetrator**
Islam forbids providing equal rights to non-Muslims.[11] If anyone bestows equal rights to non-believers, its tantamount to apostasy.[12]	Malcolm Maccoll
Qur'ān divides world into *dar-ul harb* (country of enemy) and *dar-ul-Islam* (country of Islam). It is duty of the head of Islamic state to compel non-believers to embrace Islam at the point of Sword[13]	Malcolm Maccoll
Character assassination of Prophet Muhammad (PBUH): 1) He asked other converters to be tolerant and steadfast when their families are persecuted; but when his life was under threat, he ran away to Medina.[14] 2) After gaining armed forces, he persecuted and wage war in aggression and became intolerant.[15] 3) Non-believers had three options: to embrace Islam, to pay tribute or face persecution[16] 4) to embrace Islam at the point of Sword[17] 5) Muhammad (PBUH) used war as a mean for (Proselytism) conversion[18] 6) Polygamy of Prophet proves his unbridled desires (taking more than 4 wives saying it was permissible to him but not for other Muslims)[19]	(1) Bosworth Smith (1873-1947) (2) William Muir and George Sale (1697-1736) (3) James Stephen (4) Major J. R. Osborn (1899-1941) (5) E. M. Wherry (1843-1927) (6) William Muir
Qur'ān is man-made [written by Muhammad (PBUH)][20]; Muhammad derived Qur'ān from Judeo-Christian tradition.[21] Islam is a theocratic religion in nature; and it laws are fixed. Hence no reforms are possible	William Muir

[10]Due to limited scope of this paper, we won't address other allegations that are unrelated to Islamic Law and *Jihād.*
[11]Maulavi Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire*, 20.
[12]Maulavi Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire*, 73.
[13]Maulavi Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire*, 21.
[14]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 84, 85.
[15]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 82.
[16]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 84.
[17]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 86-87.
[18]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 88.
[19]Aliyu Kabir, and Mohammed Muneerdeen Olodo Al-Shafii, "The Misrepresented Views of William Muir on Prophet Muhammad's Polygyny," *International Journal of Islamic Thought* 27 (2025): 27-36.
[20]Aliyu Kabir, and Mohammed Muneer'deen Olodo Al-Shafi, "The Views of William Muir in the Belief of Qur'ānic Sources from the Bible: A Critical Evaluation," *Al-Hikmah: International Journal of Islamic Studies and Human Sciences* 7, no. 2 (2024): 88-108.
[21]Kabir, and Al-Shafi, "The Views of William Muir in the Belief of Qur'ānic Sources from the Bible: A Critical Evaluation," 89; Mohammed Muneer'deen Olodo Al Shafi'i, Aliyu Kabir, and Ahmad Bazli Bin Shafie, "William Muir on Qur'ānic Composition: A Critical Evaluation of His Imagination," *International Journal of Academic Research in Business and Social Sciences* 14 (12), (2024). https://doi.org/10.6007/ijarbss/v14-i12/23943.

European Allegations against Islam	Perpetrator
Muslims cannot be loyal subjects to non-Muslim rulers[22]	Dr. William Wilson Hunter (1840-1900)
Jihād is areligious war against infidels.[23]	Thomas P. Hughes (1838-1911)
Qur'ān preached Muslims to be intolerant towards non-believers.[24]	
Islam constitutes of three vices: Degrading women; institution of slavery; and death penalty for forsaking Islam[25]	MacColl
Slavery is in complete harmony with Islam.[26]	T. P. Hughes and William R. Wood Stephens (1839-1902)

Islam was being exposed to such false accusations partly because of the power shift from Muslims to Christian monarchy; and partly because oriental scholars have portrayed Islam in their writings and *fatwas* as rigid and extreme that can urge a person to fanaticism, fundamentalism and militancy.[27] After banning of philosophical pursuits in the Muslim world, Islamic jurisprudence and traditionalist scholars opposed reformist endeavors. Amidst these contested times, empowering Muslims to reform law in response to modern day challenges was becoming imperative.

1.3. The Aligarh Movement

In this scenario, the Aligarh Movement emerged as defensive reformist project.[28] Sir Syed Ahmad Khan, a subordinate judge under the British government, witnessed all the atrocities done by the British against Muslims.[29] He observed that Muslims relied heavily on superstitions, stagnant ancient learning and customs while the Western world is pacing fast in education, technology and adaptability.[30] His mission was to re-enact religion and science as was the case in the golden era of Islam.[31] He inaugurated *Mohammadan Anglo-Oriental College* in 1877 which

[22]Maulavi Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire,* 24.

[23]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 89.

[24]Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire,* 34. By extracting Qur'ānic verses out of context, they deduce this statement.

[25]Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire,* 111.

[26]Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire,* 166, 171.

[27]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 6.

[28]Karnika Dubey, "A Critical Survey of Sir Syed Ahmad Khan, the Aligarh Movement, Its Consequences and Objectives," *Elementary Education Online* 20 (1), (2021): 2150–56. https://doi.org/10.17051/ilkonline.2021.01.236.

[29]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 5.

[30]Shazia Amani, "A Study of Sir Syed's Aligarh Movement: From Vision to Mission," *International Education and Research Journal* 2, no. 7 (2016): 69-70, https://ierj.in/journal/index.php/ierj/article/view/350

[31]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 6.

got the status of University in 1920.[32] Through progressive education, he started to close the gap between British and Muslims.[33] According to Dar:

> Islamic modernism emerged in the mid-nineteenth century as a response to European colonialism, "which pitched the Muslim world into crisis" (2). In India the three broad responses to British imperialism came from "traditionalists," "reformists/proto-fundamentalists," and "modernists." The last of these sought to generate a new synthesis of Islam within the frames of *tajdīd* (revival) and *iṣlāḥ* (reform).[34]

The adherents of the Aligarh Movement had three goals in mind:

a. To refute colonial stereotypes ingrained by European missionaries;
b. Rehabilitate Muslim image; and
c. Enable Muslims of south Asia to embrace modernity as opposed to Orientalists.

Following this intent, Chiragh Ali sought to defend Islam against Hindu and British misrepresentations as well as encouraging internal reforms for Muslims to adapt modernity for the sake of their survival under British rule.

1.4. Medieval Jurists Approach to *Sharī'ah* and *Ijtihad*

For Traditional *Ulamas*, Qur'ān, Hadīth, *Fiqh* and consensus (*ijma*) and analogy (*qiyas*) together are considered binding law. Medieval jurists interpret this *Sharī'ah* as fixed. Many scholars, specifically after al-Ghazali favors *taqlīd* and declared philosophical reasoning forbidden, hence closing the doors to *ijtihad*. Islamic law is a complete legal system that must regulate every aspect of life. Furthermore, caliphate or Islamic political order is considered as obligatory in classical thought. Similarly, the concept of war in classical thought is often viewed as expansionist, aggressive and armed struggle to establish Islamic rule over non-Muslims. In colonial context, this created the image of Islam being rigid and militant.

1.5. Influential Works and Themes in Chiragh Ali's Thought

According to him, the idea that Islamic laws are unalterable has been so deeply ingrained in Europeans mind that they neither enlighten themselves on the subject nor deeply study Islam.[35] Their knowledge of Islam is superficial and based on unreliable sources.[36] He undertook this task to enlighten Europeans regarding Islam in his works.

His primordial contributions as a Muslim modernist reformer are: *A Critical Exposition of the Popular Jihād* (1885), *The Proposed Political, Legal and Social Reforms in The Ottoman Empire* (1883); and *Modern Mohammedanism* (1887). The major themes included in his works are defense of Islam and reinterpretation of Jihād. He has reformist agenda in his mind while writing the aforementioned books that ensure that Islam is not only flexible but also compatible with science, progress and modernity in order to secure position of Muslims under the British rule.

[32]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 13.
[33]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 9, 12.
[34]Owais Manzoor Dar, "Mediating Islam and Modernity," *American Journal of Islam and Society* 36 (4), (2019): 129. https://doi.org/10.35632/ajis.v36i4.667.
[35]Cherágh Ali, *The Proposed Political Legal and Social Reforms*, ii.
[36]Cherágh Ali, *The Proposed Political Legal and Social Reforms*, ii.

2. Discourse on Islamic Law (*Sharī'ah*)

Fig. 1 portrays the grounds and principles upon which Chiragh Ali transformed the Islamic Law (*Sharī'ah*).

Level 1 of the figure deconstructs *Sharī'ah*. He distinguishes between eternal Qur'ānic principles (or Divine laws) and the historical juristic rulings (*Fiqh*).[37] Chiragh Ali maintained that the latter is man-made not revealed.[38] He has specifically critiqued *taqlid* of the four Sunni schools of jurisprudence (Hanbali, Hanafi, Maliki, Shafi).[39] According to him, *Fiqh* is in fact produced by multiple medieval scholars; hence it is historically contingent and can be open to reforms.

> The Muhammadan Common Law is not to be confounded with the Muhammadan Revealed Law. The Muhammadan Common Law is the unwritten law that has been compiled from a very few verses of the Qur'ān, as well as from the customs and usages of the country, supported by traditions contradictory in themselves, and based on the *ljma*, or the unanimous consent of the Moslems. It is impossible to trace the origin of these early rulings, for they are based chiefly on the analogy of some admitted or acknowledged casuistry, and thus it is but a simple truth to say that such decisions or rulings can in no wise [sic] be essentially and eternally unchangeable.[40]

In addition, he delved deeper into hadith, explaining that the authenticity and credibility of hadith are questionable since they were compiled in the 3rd century AH without any critical and rational framework where the sole criteria of credibility rely on the reputation of the narrator and its link to the Prophet (PBUH lifetime).[41] Hadith can convey essence of Muhammad (PBUH) teachings, but they cannot be his exact words so they are likely to alter the meaning. Therefore, to consider the status of *Hadith* as binding as Qur'ān; and to implement them in order to make fixed Islamic laws is erroneous. It is here that Chiragh Ali departed from the traditional perspective.[42]

In his *A Critical Exposition of the Popular "Jihád*, he claimed that:

> It is only the Mohammadan Common Law, with all its traditions or oral sayings of the Prophet,—very few of which are genuine reports, and the supposed chimerical concurrence of the learned Moslem Doctors and mostly their analogical reasoning (called *Hadees, Ijma, and Kias*), passed under the name of *Figah* or *Shariat*, that has blended together the spiritual and the secular, and has become a barrier in some respects regarding certain social and political innovations for the higher civilization and progress of the nation. But the Koran is not responsible for this all.[43]

The first four period of Caliphate are Republican in nature; and theocracy is not ordained by Islamic teachings.[44] Likewise, in spite of deriving laws from traditions and *ijma*, they cannot be

[37]Peter Hardy, *The Muslims of British India* (Cambridge: Cambridge University Press, 2007), 113.

[38]Moulavi Cheragh Ali, *A Critical Exposition of the Popular "Jihad." Showing that All the Wars of Mohammad Were Defensive; and that Aggressive War, or Compulsory Conversion, is Not Allowed in the Koran*, (1885), https://www.gutenberg.org/cache/epub/20927/pg20927-images.html

[39]Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857-1964* (London: Oxford University Press, 1967), 57-59.

[40]Moulavi Chiragh Ali, "Islamic Revealed Law versus Islamic Common Law," in *Contemporary Debates in Islam: Modernist verses Fundamentalism- An Anthology of Islamic Thought*, ed., Mansoor Moaddal and Kamran Talattof (New York: Palgrave Macmillan, 2000), 31.

[41]Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire*, xviii-xix.

[42]Aziz Ahmad, *Islamic Modernism in India and Pakistan*, 60.

[43]Moulavi Cheragh Ali, *A Critical Exposition of the Popular "Jihad,"* cii.

[44]Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire*, ii.

considered immutable because they lack a firm and indisputable foundation. To elucidate it further, Muhammad (PBUH) and his Companions never commanded the compilation of oral traditions; this entails those Islamic laws are subject to change and reinterpretation with changing times and circumstances.[45]

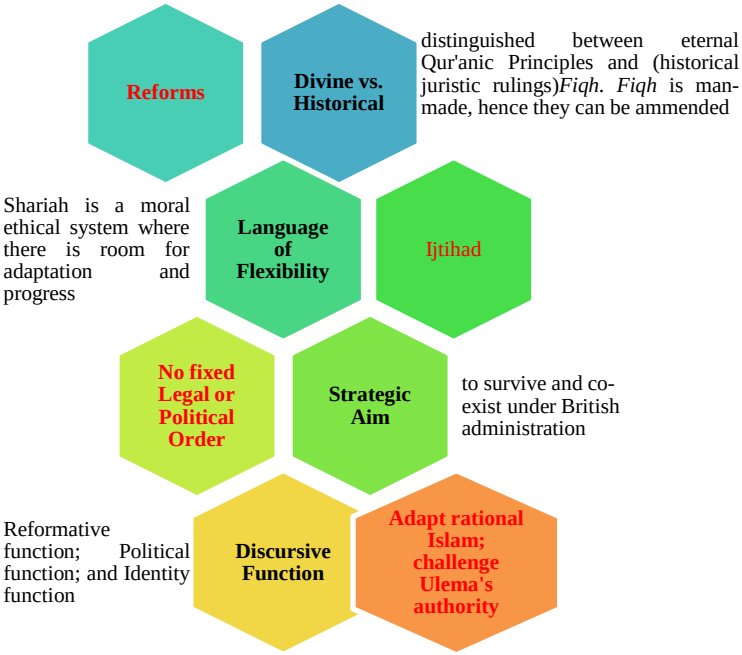
Reforms
Divine vs. Historical
distinguished between eternal Qur'anic Principles and (historical juristic rulings)*Fiqh*. *Fiqh* is man-made, hence they can be ammended
Shariah is a moral ethical system where there is room for adaptation and progress
Language of Flexibility
Ijtihad
No fixed Legal or Political Order
Strategic Aim
to survive and co-exist under British administration
Reformative function; Political function; and Identity function
Discursive Function
Adapt rational Islam; challenge Ulema's authority

Figure 1. Transforming Discourse on Islamic Law

Even Muhammad (PBUH) encouraged utilizing independent reasoning along with Qur'ān when facing novel situations or circumstances.[46] Level 2 (of the figure 1) explains that Islam justifies adaptation and progress and encourages independent reasoning (*Ijtihād*).[47]

> … the fact that Muhammad did not compile a law, civil or canonical, for the conduct of the believers, nor did he enjoin them to do so, shows that he left to the believers in general to frame any code, civil or canon law, and to found systems which would harmonize with the times, and suit the political and social changes going on around them.[48]

This entails that instead of considering *Sharī'ah* as a rigid legal code, it should be considered as moral ethical system where *ijtihad* is permissible in accordance with changing times. This was necessary in those times as traditional scholars discourage Muslims to acquire education; encouraging them to refrain from scientific pursuits and modernity. They were ingraining in Muslims that if they pursue such ventures they are in fact betraying Islam.

[45]Cherágh Ali, *The Proposed Political Legal and Social Reforms*, vi-vii.
[46]Cherágh Ali, *The Proposed Political Legal and Social Reforms*, xxxvii.
[47]Moulavi Chiragh Ali, "Islamic Revealed Law versus Islamic Common Law," 33.
[48]Moulavi Chiragh Ali, "Islamic Revealed Law versus Islamic Common Law," 33.

Amidst this opposition, the Aligarh Movement, encourage Muslims to seek education.[49] The scholars like Chiragh Ali and his contemporary Sir Syed A. Khan urged Muslims to adopt modern education, science and political systems without feeling that they are violating core principles of Islam. He logically and chronologically explained that the Islamic laws were neither made by the prophet Muhammad (PBUH), nor compiled by him or even in 1st *Hijri*.[50] The Qur'ānic teachings are adaptable and it does not provide any rigid code of law to be applied on political affairs.[51] Instead it taught humanity regarding certain religious doctrines and generic moral rules.[52] "These moral rules enumerate civil institutions of ancient Arabs such as infanticide, polygamy, arbitrary divorce, concubinage, degradation of women, drunkenness, gambling, extortionate usury…and gross idolatry. All of these are either condemned or ameliorated and reformed."[53]

Level 3 illustrates that by maintaining that there are no fixed political or legal orders ordained by Islam; Chiragh Ali made a breathing space for Muslims to coexist on equal grounds under the administration of British. Therefore, *Ijtihād* became the key to revival and modernity.

It is noteworthy that his discourse on Islamic law had three functions (mentioned in Level 4 of the above figure):

- Reformative function_ i.e., encourage Muslims of sub-continent to break free from medieval jurisprudence and to adopt modern values;
- Political function_ challenging Ulama's authority over law in an attempt to prove that Muslims are loyal subjects of British authority; and
- Identity function_ portraying Islam as rational, ethical, peaceful, progressive and modern instead

3. Discourse on War (*Jihād*)

Figure 2 is the graphic representation of Chiragh Ali's attempt at redefining the concept of War (*Jihād*).

British adopted the Orientalist representation of *Jihād* where Muslims wars were depicted as aggressive in nature; and are done for the sole reason of expansion. Chiragh Ali rejected this notion and tends to redefine wars as 'moral and intellectual struggle' that were defensive in nature (Level 1 of fig. 2). He went to great lengths in explaining that Muslim wars specifically in the times of prophet Muhammad (PBUH) were fought in defense against oppression.[54]

Level 2 explains how Chiragh Ali constructed *Jihād* on ethical principles associating terms like 'justice,' 'self-defense,' and 'moral improvement.' In fact, Islam forbids attacking non-Muslims without provocation and in offense.[55] The only time it is incumbent on believers to indulge in the act of war is when:

[49]Shazia Amani, "A Study of Sir Syed's Aligarh Movement: From Vision to Mission," 69-70.
[50]Chiragh Ali, "Islamic Revealed Law versus Islamic Common Law," 33.
[51]Cherágh Ali, *The Proposed Political Legal and Social Reforms*, xvii.
[52]Cherágh Ali, *The Proposed Political Legal and Social Reforms*, xvii.
[53]Cherágh Ali, *The Proposed Political Legal and Social Reforms*, xvii.
[54]Cherágh Ali, *The Proposed Political Legal and Social Reforms*, 71.
[55]Cherágh Ali, *The Proposed Political Legal and Social Reforms*, 72.

> …where there is a general summons (that is, where the infidels invade a Mussulman territory, and the Imam for the time being issues a general proclamation, requiring all persons to stand forth to fight) for in this case war becomes a positive injunction with respect to the whole of the inhabitants.[56]

There are only two verses in the Qur'ān that absolute indication to wage war on unbelievers;[57] but there are multiple verses in other Surah's that forbids Muslims to wage war without provocation.[58] Furthermore, Chiragh Ali points at the rule of interpretation in Qur'ān that there are two types of verses in the Qur'ān: a) conditional or limited; b) absolute or general. If there is a subject matter that involves both conditional verses as well as generic. The rule of interpretation is to always precede conditional verse over generic one.

> The rule is: Where a passage which is ambiguous, or which contains any unusual expression, or in which a doctrine is slightly treated, or is in general terms, must be interpreted agreeably to what is revealed more clearly in other parts, or where a subject is more clearly discussed. A single or general passage is not to be explained in contradiction to many others restricted, conditional, and limited consistently with them, and with proper reservations.[59]

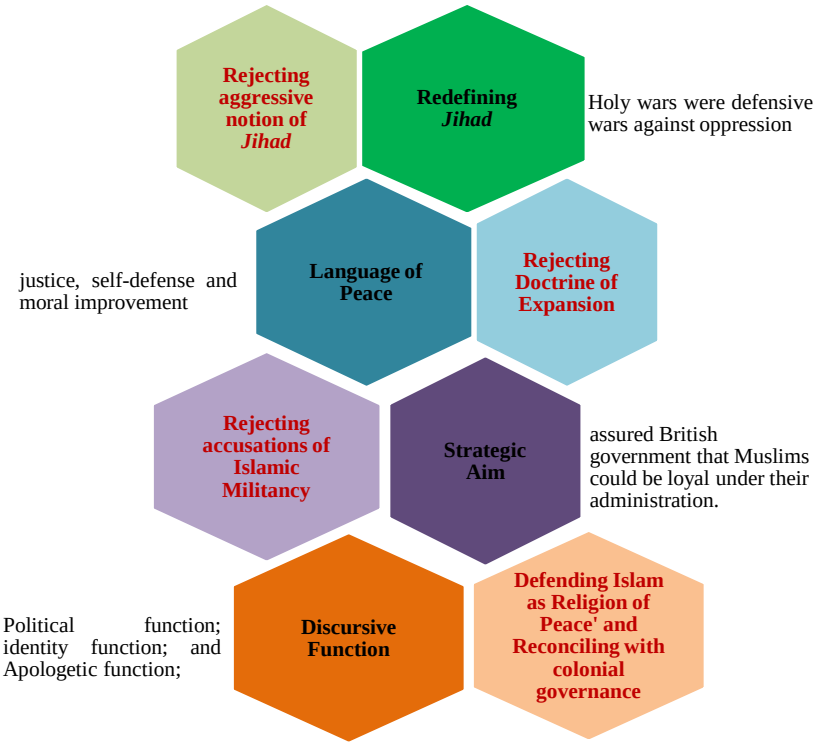
Rejecting aggressive notion of *Jihad*
Redefining *Jihad*
Holy wars were defensive wars against oppression
justice, self-defense and moral improvement
Language of Peace
Rejecting Doctrine of Expansion
Rejecting accusations of Islamic Militancy
Strategic Aim
assured British government that Muslims could be loyal under their administration.
Political function; identity function; and Apologetic function;
Discursive Function
Defending Islam as Religion of Peace' and Reconciling with colonial governance

Figure 2. Redefining Discourse on War (*Jihād*)

[56]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 72.
[57]Al-Baqarah 2:245; at-Tauba 9:124.
[58]Refer to al-Baqarah 2:186-189, 212, 214; al Hajj 22:39-42; an-Nisa 4:76, 77, 78, 86, 91-93; al-Anfal 8:39-41, 58-66, 73-74; at-Tauba 9:1-15, 29, 36.
[59]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 73.

This rule was avoided by traditional *Ulamas* (like Ibn Hajar al-Haytami (1503-1566), Muhammad b. Ahmad b. Abi Sahl Abu Bakr al-Sarakhsi (d. 1090 CE), Badar al-Din al-Ayni (1361-1451), Nuruddin Ali b. Burhanuddin Halabi Shafii (975-1044 CE) to make a sort of provision for Muslim rulers who were invading and conquering territories for the sake of expansion.[60] He further supported his arguments that jurists of the first and second *hijri* [like abū ʿAbd Allāh Sufyān ibn Saʿīd ibn Masrūq ibn Ḥamza al-Thawrī (d. 778 CE), Ata ibn Rabah (653-732 AD) and Amar-ibn-Dinar (666-744 CE)] upheld that war was not obligatory; and it ought to be accepted as a voluntary act if and only if the combatant attacked Muslims first.[61]

Chiragh Ali proved British scholars wrong in their assertion that Prophet Muhammad waged wars in aggression giving only three alternatives to his enemies, i.e., conversion to Islam, ransom or persecution.[62] This was a great feat to nullify these accusations because even by modern standards they were extreme, disrespectful and blasphemous. Instead, Chiragh gracefully narrates all the atrocities done by people of Mecca against prophet and yet he endured them with patience, tolerance and perseverance. They've many instances where acting hostile towards non-believers was justified yet they did not wage war in aggression.[63] The first Battle of *Badar* was initiated by non-believers where Muslims were outnumbered both in numbers and resources, yet upon the command of Allah they led their army of 305 against 1000.[64] In similar vein, he explained each and every battle and their circumstances that refute British missionaries' claims that Islam is a violent religion and its adherents are militants. Moreover, even after winning battles, instead of taking revenge: Prophet abolished slavery[65] and he pardoned majority (even Abu Sufiyan and his wife who had slain Prophet's Uncle Hamza (RA)) with or without ransom.[66] "Nor were the wars of Mohammad to exact tribute from the unbelievers. The tribute was only imposed upon those who had sought his protection, and even then, they were exempted from other regular taxes which the Moslems paid to their Commonwealth."[67]

In addition, had the prophet Muhammad (PBUH) neglected to defend himself and Muslims in self-preservation and for their moral and religious liberties, there was a higher probability of being exterminated.[68] Level 3 of the figure 2 explores the strategic aim of his thought. By explaining that the military campaigns of Prophet (PBUH) were defensive, Chiragh deflated British accusations of Islamic militancy. He targeted two birds with one stone by establishing defensive nature of wars:

i) By making Islam compatible with liberal notions of peace and co-existence he ensured that Muslims can prove to be loyal subjects under British administration; and

[60]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 72-77.
[61]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 81.
[62]Moulavi Chiragh Ali, "War and Peace: Popular Jihad," 84-86.
[63] Newly converted Muslims lost their homes and properties, Prophet Muhammad endured humiliation and atrocities; Muslims were persecuted; non-believers planned to assassinate Muhammad (PBUH). Even after migration to Medina, Arabs hostilities increased yet Prophet remained steadfast and did not indulge in war of aggression. [Maulavi Cherágh Ali, *A Critical Exposition of the Popular "Jihád,"* 9-11.
[64]Maulavi Cherágh Ali, *A Critical Exposition of the Popular "Jihád*," 12.
[65]Cherágh Ali, *The Proposed Political Legal and Social Reforms: In the Ottoman Empire*, 150-157.
[66]Cherágh Ali, *A Critical Exposition of the Popular "Jihád,"* 31; 57-85.
[67]Maulavi Cherágh Ali, *A Critical Exposition of the Popular "Jihád,"* 42-43.
[68]Cherágh Ali, *A Critical Exposition of the Popular "Jihád,"* 43.

ii) By re-educating Muslims regarding true nature of *Jihād*, he counters British accusations of portraying Muslims as fanatics.

Furthermore, he refuted the criticism of British that derives from the Qur'ānic distinction between *dar-ul harb* (country of enemy) and *dar-ul-Islam* (country of Islam). Chiragh Ali explains that in British India, Muslims are subjects that are protected by the government so instead it is *dar al-aman* (home of security) or *dar al-zimma* (home of protection) for Muslims.[69]

It is self-evident from his discourse on war that Chiragh had three functions or goals in mind:

- Political function_ trying to project Muslims as peace-loving and rational;
- Identity function_ reconciling Islam with colonial governance so that Muslims of sub-continent had equal chance to flourish (like Hindus); and
- Defensive or Apologetic function_ defending Islam against the criticism of being regressive and violent.

4. Positive and Negative Impact of Chiragh Ali's Thought

In previous sections, we have seen positive impact of Chiragh Ali thought on Society. Now we shall analyze his weaknesses in detail. Following table has briefly comprised the strengths and weakness of his work.

Table 2. Comparative Chart of Strength vs. Weaknesses of Chiragh Ali's Thought

Strengths	Weaknesses
Flexibility of *Sharī'ah*	Undermining Jurisprudence and tradition
Critique of *Taqlid* and Revival of *Ijtihad*	
Skeptic of *hadith* as authentic source of knowledge to interpret Islam.	Selective interpretation of Qur'ān
Laid the foundation of Islamic Modernism	Excessive westernization and rationalization
Reinterpretation of *Jihād* as moral and defensive	Reductionism
Rational, progressive and modern approach	Limited Impact (Elitist)
Proved Europeans authors wrong who tried to tarnished the image of the Prophet Muhammad (PBUH)	Lack of Practical framework for reforms

Despite being admired for his courage and vision, Chiragh Ali's discourse faced multiple backlashes from traditional Ulama's, conservative Muslims, and modern-day scholars:

- **Undermining Tradition through Reductionism:** Traditional Ulama argued that Chiragh has over-rationalized Islam undermining centuries of jurisprudence. Many criticized of him being a reductionist for over simplifying *Jihād* as purely defensive and portraying

[69]Hardy, *The Muslims of British India*, 113.

Sharī'ah as merely ethical. By sidelining traditional scholarship, his discourse alienated large part of Muslim community.

- **Over-Westernization**: Many Muslims believed that his thought (particularly regarding Islamic law and War) as a whole appears to be apologetic[70] and overly accommodating western liberalism and colonial approval.
- **Lack of Practical Framework:** Modern scholars criticized Chiragh that even by oversimplifying complex historical realities and selective interpretation; he failed to provide a concrete legal framework for reforms for restructuring laws and governance.
- **Practical Limitations:** There are certain limitations to Chiragh Ali's thought as his discourse remained limited to the intellectual circle of Aligarh. Many critics claim that his view is elite-centric with a limited impact on ordinary Muslim population as a whole.

5 Later Influences and Modern-day Relevance

Following the footsteps of Chiragh Ali, many thinkers after him used *Ijtihad* and tend to bring religious and social reforms. In *The Spirit of Islam*, Syed Ameer Ali (1849-1928), portrayed Islam as a progressive religion with great emphasis on women rights, rational laws and social justice. Muhammad Iqbal (1877-1938), in his *Reconstruction of Religious Though in Islam*, took the idea of *Ijtihad* further proving Islamic dynamism and its adaptability to modernity. Like Chiragh, he also argued that *Sharī'ah* should evolve with history. Fazlur Rahman's (1919-1988) 'Double Movement Theory' paralleled Chiragh Ali's thought of contextual reinterpretation of the Qur'ān. Even in the 21st century, modern thinkers are nurturing and expanding his reformist seed into a global movement of Islamic modernism. Likewise, reformists in Egypt, Indonesia, Iran and Turkey echoed similar ideas that Islam is compatible with modernity, science and human rights

Despite these modernist endeavors, Hindus were ahead of Muslims by decades in terms of Education owing to their fear of learning English as an un-Islamic endeavor According to the post-partition survey of 1947, "There were 100 colleges and about 1000 higher secondary schools under Muslim management as against 1500 colleges and 8000 higher secondary schools in the country."[71]

5.1. Significance of Chiragh Ali in Modern Era

Chiragh Ali theological debate was a strategic intervention within a colonial and intellectual context. By his endeavor of redefining *Sharī'ah* as flexible; and *Jihād* as defensive and moral he tends to not only defend Islamic image and redefine Muslim identity, but also sought to empower reform. His thought faced excessive criticism due to excessive accommodation to British expectations and marginalizing traditional scholarship. Nonetheless, his works laid the foundation for modernist thinkers like Muhammad Iqbal (1877-1938), Fazlur Rehman, Syed Ameer Ali (1849-1928).; therefore, enumerating him among the pivotal figures in the genealogy of Islamic reforms. It is also believed that between 1947 and 1969, the power elites of Pakistan adopted similar approach to modernism in order to institutionalize Islamic modernism in Pakistan.[72]

[70]Owais Manzoor Dar, "Mediating Islam and Modernity," 128–31.

[71]Hossain, and Adnan Khan, "Vision of Sir Syed Ahmad Khan and Aligarh Movement in India," 13.

[72]Ali Usman Qasmi, "God's Kingdom on Earth? Politics of Islam in Pakistan, 1947–1969," *Modern Asian Studies* 44 (6), (2010): 1197–1253. https://doi.org/10.1017/s0026749x09000134

Despite being his ideas deemed as controversial in his time, but they had strong relevance for Muslims today. I attributes his ideas as bold not because he said something which traditionalist Muslims doesn't wanted to hear at that time; but because he defended and refuted false stereotypes created by British missionaries and historians.[73] Chiragh Ali was bold because he was in no position to do it when the ruling authority is British itself. The Muslim world needed this sort of bold move to this day. The conditions of Muslims, the accusations of fundamentalism and Islamic militancy have become more pronounced than it was in the colonial rule.[74] After 9/11, majority of west wing have become Islamophobic; and Muslim nations till date are trying to counter these accusations and evade genocide.[75] Innocent Muslims of Syria, Gaza, Palestine, Kashmir are all persecuted in the name of Islamic militancy and terrorism. Muslims are the victims of virtuous war[76] created by the political hegemony of Israelites and Americans. Muslim world need the courageousness writers and mentors like Chiragh Ali. The world has become a scary place for Muslims to live freely. Chiragh Ali and other commemorates of Aligarh movement defended Muslim identity against missionaries and Orientalists. However, Muslim scholars nowadays have to battle on three-fronts, i.e., still defending against conservative orientalist and Islamophobics; and simultaneously proving that we are Muslims to conservatives who bespeak of us as modernist, feminists, western liberals, anti-Muslims etc.

- The debates regarding *ijtihad* (independent reasoning) and *taqlīd* (blind following) are still of great importance in 21st century where reforms resonates with active issues like gender justice, human rights, honor killings and democratic government in Muslim countries etc.
- Militant groups justify violence and distort Islamic teachings to fulfill their personal agendas. Chiragh Ali's reinterpretation for *Jihād* provides a strong intellectual counter to extremism.
- While, the conservative *Ulamas* keep creating a rift between Islam verses science and modernity; Chiragh Ali's stance eradicate such conflicts.
- His model correlates with acquiring modern education system along with religious learning, specifically amidst low literacy rates and hesitancy in opting STEM subjects in the Muslim societies.
- He provided a progressive reinterpretation of Islam without abandoning its essence to accommodate issues like freedom of speech, women rights; and above all to fight the identity crisis between tradition and modernity.

It is true that certain portion of his thought seems apologetic, but considering the times where the conditions of Indian Muslims were deplorable, his thought is justified. He wrote this in 19th century that still rings true: "No doubt Muslim jurisprudence was well-suited to early Muslim

[73]Tahir Abbas, "Images of Islam," *Index on Censorship* 29 (5), (2000): 64–68. https://doi.org/10.1080/03064220008536802.

[74]Philip Almond, "Western Images of Islam, 1700-1900," *Australian Journal of Politics and History* 49 (3), (2003): 412–24. https://doi.org/10.1111/1467-8497.00295

[75]Almond, "Western Images of Islam, 1700-1900," 412-24.

[76]"Virtuous war relies on virtual simulation, media manipulation, global surveillance, and net-worked warfare to deter and if need be destroy potential enemies. It draws on just war doctrine [when possible] and holy war doctrine [when necessary]." [James Der Derian, "9/11: Before, after and in Between," In *Terrorism, Media, Liberation*, edited by John David Slocum, (Rutgers University Press, 2005), 323].

society, but now 'there are certain points in which the Mohammedan Common Law is irreconcilable with the modem needs of Islam and requires modification."[77]

Therefore, we may criticize and reject some aspects of his thought, but not the essence of his work. Current crisis faced by the Muslims have spiked to an alarming level where both religious reforms and tolerance towards non-believers is required to clear the negative image of Islam stereotyped by the West.[78] Combating Islamophobia is not easy for modern thinkers with ongoing terrorist activities. "Today's Islamophobia feeds on history to fill out its stereotypes, but it also has features that stem from more recent narratives such as colonialism, immigration and racism."[79]

Contemporary reformers can use *Ijtihad* to fill the gap wherever adherents of the Aligarh Movement have lagged. Javed Ahmed Ghamidi (b.1952) and Tariq Ramadan (b. 1962) are Islamic modernist reformers who tend to fill the lagging gap.

6. Closing Remarks

To assert that whether Chiragh Ali's thought is defensive or apologetic, I am of the view that his thought was indeed defensive against Islamophobic British historians and writers who had their personal agenda to defame Islam. His thought turned a bit apologetic when he tried to over-rationalize concepts of *jinn*, miracles and women (which were unrelated to and beyond the scope of the current paper). But as far as current themes of Islamic law and his concept of War are concerned, his thought is clearly progressive and reformist. Scholars can do critique on him and may amend his thought wherever deemed necessary (as clearly was his mandate that man-made laws are changeable). What is essential in this time for Muslims is to amend their conservative ways and interpret new challenges in the light of Qur'ān. According to me, we can't just abandon his views altogether because they are entirely relevant even in the twenty first century. Even if Muslims are for and against his thought, it is an undeniable fact that addressing both Islamophobia created by the Western lobbies; and accepting conservative and fundamentalist role in the sustenance of that image are crucial debates. Without solving them, Muslim nations cannot ensure the safety of their country (land and property), their rights as humans, and their Muslim identity. Clearing the image of Islam on a global level has never been more imperative for Muslims as compared to the past era.

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[77]Hardy, *The Muslims of British India.*

[78]Gamal M. M. Mostafa, "Correcting the Image of Islam and Muslims in the West: Challenges and Opportunities for Islamic Universities and Organizations," *Journal of Muslim Minority Affairs* 27 (3), (2007): 371–86. https://doi.org/10.1080/13602000701737210.

[79]Tahir Abbas, "Images of Islam," *Index on Censorship* 29 (5), (2000): 64–68. https://doi.org/10.1080/03064220008536802.

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